

30 March 1988
OCA 88-0974

MEMORANDUM FOR: Deputy Comptroller
DDS&T/EO
NIO/Narcotics
AGC/DDO
C/EPS DDO

FROM: Legislation Division
Office of Congressional Affairs

RE: DeConcini/English Omnibus Anti-Drug Legislation

1. On 23 March 1988, Senator Deconcini and Representative English introduced new, comprehensive anti-drug legislation, the "Omnibus Anti-Drug Abuse Act of 1988": S. 2205 and H.R. 4230. Attached for your review and comment is a copy of the Senate version, along with the introductory remarks of DeConcini (Congressional Record, 23 March, pp. S2857-2858) and English (Congressional Record, 23 March, pp. H1140-1141).

2. This legislation is not a new version of the "drug czar" legislation but is, instead, a "follow-on" to the 1986 comprehensive, anti-drug legislation. In the Senate, where it was referred to the Judiciary Committee, it enjoys a large and bipartisan sponsorship, including several members of the Senate Select Committee on Intelligence (SSCI) besides Senator DeConcini.

3. At present, the House version appears to be cosponsored by only eight Members. These include, however, several influential members such as Representative Fascell, Chairman of the Foreign Affairs Committee, and Representative Pepper, Chairman of the Rules Committee and we understand other Members are seeking to cosponsor it. The House bill has been referred to eleven House different committees, including the Permanent Select Committee on Intelligence (HPSCI). Normally such a referral would signal that the legislation had no chance for expeditious action. You will recall, however, that the 1986 legislation had a similarly wide referral but that the House leadership, working closely with the committee chairmen, obtained swift action on it. Similar action is possible with respect to this legislation, if the House leadership determines to back it.

4. In this regard, we understand that, as in 1986, there may be several, competing omnibus bills in addition to these two. Other possibilities include: 1) a Senate bill authored by Senator Biden, the author of the "drug czar" legislation; 2) a House Democratic leadership bill; 3) a House Republican leadership bill; and, 4) an Administration bill.

5. Although you may wish to review the entire bill, your attention is specifically directed to the following provisions.

6. Designation of CIA & NSA Facilities As National Technology Development Centers. In Title VI (Research and Development For Law Enforcement Agencies), Section 602 (Establishment of National Technology Development Centers) would require the President to designate and establish within existing federal agencies no fewer than eight new entities to be called "National Technology Development Centers". The purpose of these centers would be to develop technologies for application to federal law enforcement agency missions. Among other agencies within which such Centers would be established are the Central Intelligence Agency and the National Security Agency. The CIA/NSA Centers would be for "imaging/electronic surveillance research and development". Section 602 would further require the Director of Central Intelligence to make appropriate recommendations for the revision of the statutory charters of these facilities to accommodate this new mission. The section would require that two officials from federal law enforcement agencies be assigned as full-time liaison officials to the centers. It would also require that a fixed percentage of the Centers' budget be directed towards anti-drug research. Finally, it would direct the Comptroller General (General Accounting Office) to monitor compliance of the affected agencies with the provision. Section 601 of the bill would place the Centers under, to a limited extent, a subgroup of the Attorney General's National Drug Policy Board. We assume the Agency will be opposed to Section 601.

7. International Provisions. Title II "International Narcotics Control and Assistance to Foreign Countries". Section 201 ("Drug Source Country Eradication Improvement Act of 1988") and Subtitle E ("Latin American Antidrug Strike Force") may be of informational interest. Title II also contains a number of provisions which provide for the cutoff of certain United States Government funds to various drug-producing and drug-transit countries under given conditions. None appear to affect Agency equities. It is possible, however, that future revisions of such provisions could.

8. Drug Interdiction Provisions. Title III, "Drug Interdiction Asset Improvement and Enhancement", contains additional funds and resources for several anti-drug efforts involving the Department of Defense and/or targeted at overseas supply areas.

9. Miscellaneous Provisions. Title V would transfer the Coast Guard from the Department of Transportation to the Treasury Department. It would also establish a Senate Select Committee on Narcotics Abuse and Control paralleling the House Select Committee on Narcotics Abuse & Control.

10. Foreign Language Training. Subtitle C (Federal Law Enforcement Language Training Improvement Act of 1988) would authorize various federal agencies to assist in foreign language training for federal anti-drug agents.

11. Private Sector Drug-Testing. Section 801, Title VIII, would ban the private sector drug-testing by labs not meeting federal standards and would make the administration of unapproved tests a crime.

12. Debt Collection Provisions. Title X would change federal debt collection provisions and use any additional funds thus generated for anti-drug efforts. [redacted] of this office is circulating this provision separately to the Office of General Counsel and the Office of Finance for their comments.

13. We will keep you advised of activity in this area. Please forward any comments on the legislation to this office.

Attachments

OCA/LEG, [redacted] (30 March 1988)

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